

**SUMMARY OF THE
NELAC BOARD OF DIRECTORS MEETING
NOVEMBER 14, 2002**

The Board of Directors of the National Environmental Laboratory Accreditation Conference (NELAC) met by teleconference on November 14, 2002, at 1:30 p.m. Eastern Standard Time (EST). Chairperson Dr. Paul Kimsey of the California Department of Health Services led the meeting. The agenda for this meeting is shown in Attachment A, new action items are shown in Attachment B, incomplete action items from past meetings are shown in Attachment C, and a list of participants is shown in Attachment D.

APPROVAL OF MINUTES

The minutes from the October 10, 2002, meeting were reviewed and approved as corrected. The action items were reviewed and have been updated to their current status.

EPA ROLE IN NELAC

Ms. Aurora Shields reviewed a survey of the Constitution and Bylaws, and Chapter One of the approved 2001 NELAC Standard with respect to current roles and responsibilities of EPA in NELAC. There was extended discussion of the importance of EPA's role in NELAC/NELAP, as well as several alternatives that have appeared. The majority of the Board members expressed serious concerns on the comments of EPA ORD Assistant Administrator Dr. Paul Gilman that laboratory accreditation is not an inherently governmental function. It was noted that the current extensive reorganization of NELAC was in response to an EPA request to separate those functions not inherently governmental, i.e., standards development, and those of governmental concern, i.e., adoption of standards for use in state government programs.

Board members started with the fact that the foundations of the various state laboratory accreditation programs and enforcement programs are EPA regulations, including the grants received when EPA delegates program authority and responsibility. Based on these circumstances, the Board members, representing state Agencies and non-EPA federal agencies, were in agreement on the following issues:

1. NELAC provides a focal point for the states to implement their roles. Thus, EPA's leadership is key to the function of NELAC.
2. EPA leadership in NELAC/NELAP is essential, since its function is to help the States effectively and efficiently implement EPA's statutory and regulatory mandates. For example, the Safe Drinking Water Act (SDWA) specifically directs EPA to establish a laboratory certification program. EPA has delegated this responsibility to the states. Even if EPA were to withdraw from serving as the evaluator of the NELAP AAs, EPA would still need to continue its role to evaluate the state accreditation programs under the SDWA. Thus, EPA would continue to perform the same function but, in some cases, with a reduced scope of accreditation. Economy of scale dictates that this is not a viable solution for either EPA or the states.

3. EPA is the arbiter of last resort, making all final interpretations of program acceptability. One state could not perform this function for another state.
4. Full-time permanent NELAC leadership is required for the long-term health of NELA/NELAP; only EPA staff can supply this stability. Rotating leadership among the federal and state programs would create fragmentation, a lack of historical continuity, and extensive negotiations to fund and replace the selected individuals.
5. Technical leadership, not just administrative support, of NELAC is essential to the long-term health of NELAC/NELAP.
6. The NELAC Standard specifying EPA-internal activities. e.g., the NELAC Director appoints the NELAC Executive Secretary; are not necessary to the operation of NELAC and could be removed without damaging NELAC functions.

It was agreed that Dr. Kimsey review and clarify these points in his remarks during the Opening Plenary session of NELAC 8i. Additionally, the Board will draft a letter to EPA reiterating these points and others that may arise during NELAC 8i.

NELAC POLICY 14 (ON EFFECTIVE DATE OF IMPLEMENTATION OF THE NELAC STANDARDS)

Dr. Kenneth Jackson led discussion on procedure for early adoption of changes by Primary Accrediting Authorities contained in this policy. He noted that it was intended to address a problem that has been solved. Following discussion of possible implications and the importance of consistency in implementation of the Standard, the Board unanimously voted to remove this section of the policy.

NELAC 8i

Ms. Jeanne Hankins reported that registration for the meeting appears to be less than for previous Interim meetings. However all tasks appear to be on schedule for completion prior to the Opening Plenary session, Monday, November 18 at 11:00 a.m. Mountain Standard Time.

NEED FOR INTERIM MEETINGS

Dr. Kenneth Jackson, as chair of the Program Policy and Structure committees of both NELAC and the Institute for National Environmental Laboratory Accreditation (INELA), reviewed plans for changes in NELAC and the process to be proposed for INELA standard's development. These plans will be discussed in detail at NELAC 8i and he noted that close coordination between NELAC and INELA processes is planned, with an eye to coordinating meeting times and locations of both organizations. Discussion recognized the increasing difficulty of travel authorizations, yet the probable need for resolving unexpected issues in the next few years. It was suggested that plans should continue for interim meetings, whether hosted by NELAC or INELA. Dr. Jackson noted that resolution of this issue should be clarified somewhat during NELAC 8i.

OLD BUSINESS

No old business was discussed.

NEW BUSINESS

Dr. Kimsey reported that he has been asked to review wording in section 2.2.2; it was agreed that this is properly a determination of the Accrediting Authority Workgroup and the Board would respond to their request.

The issue of the posting of the ECOS letter on the website was raised. Ms. Aurora Shields offered to have her copy scanned for this use.

NEXT MEETING

The next meeting of the Board of Directors is scheduled just prior to the opening plenary session of the Eighth NELAC Interim Meeting in Santa Fe, New Mexico, on Monday, November 18, 2002, at 9:30 a.m., Mountain Standard Time (MST).

**NELAC BOARD OF DIRECTORS
DRAFT AGENDA
November 14, 2002
1:30 - 3:30 PM EDT**

1. Approval of Minutes of October 10, 2002, Meeting * - *Paul Kimsey*
2. EPA Roles [†] - *Aurora Shields*
3. NELAC Policy 14 [†] - *Ken Jackson*
4. NELAC 8i - *Barbara Giesler*
5. Need for Interim Meetings - *Jeanne Hankins*
6. Old Business
7. New Business

* Attachment

[†] See email

**NEW ACTION ITEMS
NELAC BOARD OF DIRECTORS/CHAIRS
NOVEMBER 14, 2002**

Item No.	Action	Status
1	Dr. Kimsey will review and clarify the essential role of EPA in his remarks during the Opening Plenary session of NELAC 8i.	37577
2	The Board will draft a letter to EPA reiterating their consensus of the role of EPA in NELAC, based on discussions during NELAC 8i.	following NELAC 8i
3	Ms. Aurora Shields will have her copy of the ECOS letter (see last month's minutes) scanned for this use.	ASAP

**ACTION ITEMS FROM PREVIOUS MEETINGS
NELAC BOARD OF DIRECTORS
NOVEMBER 14, 2002**

NO.	MEETING DATE	ACTION	STATUS
3	08/08/02	Ms. Hankins will send revised NELAC policies to Board members.	Complete
4	08/08/02	Dr. Kimsey to contact NELAC Chairs regarding which standards development organization their committee will join.	In process
8	37510	Ms. Hankins will recommend to the Regional Lead Evaluators that the observer use a cross-walk along with the state's checklist.	In process
10	37538	Ms. Shields will Email initial discussion material to Board members on new roles & responsibilities under the new organizational structure. For discussion at next meeting.	Complete
11	37538	Ms. Labie will check with Sherry Clay on use the OGWDW and ECOS endorsements.	ASAP
12	37538	Board members should Email their comments on the need for Interim Meetings to Ms. Hankins as soon as possible for discussion at the next meeting.	Complete
13	37538	Mr. Kantor will check on the status of a list of interested SDOs for discussion at the next meeting.	Due Nov 14

Note: items that were noted as "Complete" in previous minutes have been deleted from this list.

**LIST OF PARTICIPANTS
BOARD OF DIRECTORS MEETING
NOVEMBER 14, 2002**

Name	Affiliation	Address
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Mr. Joe Slayton	USEPA/Region 3	T: (410)305-2653 F: (410)305-3095 E: slayton.joe@epa.gov
Dr. Ken Jackson (Invited Guest)	NY Environmental Laboratory Approval Program	T: (518) 485-5570 F: (518) 485-5568 E: jackson@wadsworth.org
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